

JOURNAL OF THE HOUSE.

Thursday, May 19, 2005.

Met at seven minutes past eleven o'clock A.M., with Mr. Nangle of Lowell in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we pause for a moment of personal reflection and prayer. We pray for Your guidance as we struggle today and everyday to make objective rational choices and to seek truth in evaluating legislative and public policy issues. We believe that You and the Ultimate Source of Truth in whom we place our trust. In our decision making and reasoning process, we depend upon Your assistance, our own accurate knowledge, the input of constituents and the wisdom of Your ways and precepts. In today's world, with many complex issues and challenges and a diversity of communities, help us to be leaders with a clear grasp of reality and the real concerns of people and their families.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Nangle), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative LeDuc of Marlborough.

A statement of Mr. Rogers of Norwood concerning Mr. LeDuc of Marlborough was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative LeDuc of Marlborough, was not present in the House Chamber for today's sitting due to a long-standing family commitment. Had he been present for the taking of yea and nay numbers 63 to 65, inclusive, he would have voted, in each instance, in the negative. Had he been present for the taking of yea and nay number 67, he would have voted in the affirmative. Any roll calls that he may have missed today is due entirely to the reason stated.

Statement Concerning Representative Travis of Rehoboth.

A statement of Mr. Rogers of Norwood concerning Mr. Travis of Rehoboth was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Travis of Rehoboth, will not be present in the House Chamber for today's sitting due to a long-standing family commitment. Any roll calls that he may miss today is due entirely to the reason stated.

Guest of the House.

During the session, the Chair (Mr. Rushing of Boston) declared a brief recess and introduced Hank Shafran, Director Emeritus and member of the Board of Directors of the Boston Ronald McDonald House. Celebrating the twenty-fifth anniversary of its founding, Mr. Shafran was the guest of Representative Binienda of Worcester.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Rogers of Norwood, Kafka of Stoughton, Coughlin of Dedham and Ross of Wrentham) congratulating Dr. Alicia B. Shea on the occasion of her retirement;

Resolutions (filed by Messrs. Atsalis of Barnstable and Turkington of Falmouth) congratulating Leo and Sue Fein for seventeen years of service as co-chairs of the annual Figawi Charity Ball;

Resolutions (filed by Representatives Blumer of Framingham and Sannicandro of Ashland) on the occasion of the thirtieth anniversary of the Danforth Museum of Art;

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Jonathan Mark Gosian on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Michael Joseph Kennedy on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Finegold of Andover) congratulating Jane Markiewicz Duffley on forty years of service in education;

Resolutions (filed by Ms. Flanagan of Leominster) congratulating Daniel Schultz on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Flora Jolie on the occasion of her ninetieth birthday;

Resolutions (filed by Messrs. Mariano of Quincy, Ayers of Quincy, Driscoll of Braintree and Tobin of Quincy) recognizing Project Lifesaver International;

Resolutions (filed by Messrs. O'Brien of Kingston, Canessa of New Bedford and Straus of Mattapoisett) congratulating Sarah McGrath on the occasion of her one hundredth birthday and the dedication of May 20, 2005 as Sarah McGrath Day;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Brendan Albert Andrade on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Gregory Andrews on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Carter W. Chamberlain on receiving the Eagle Award of the Boy Scouts of America;

Peter M.
Chillemi.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Peter M. Chillemi on receiving the Eagle Award of the Boy Scouts of America;

Jonathon D.
Courtot.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Jonathon D. Courtot on receiving the Eagle Award of the Boy Scouts of America;

Daniel P.
Lovley.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Daniel P. Lovley on receiving the Eagle Award of the Boy Scouts of America;

Harriet
Segal.

Resolutions (filed by Mr. Smizik of Brookline) honoring Harriet Segal;

Brookline,
Devotion
School.

Resolutions (filed by Mr. Smizik of Brookline) congratulating the third grade students at the Edward Devotion School in Brookline and Our Lady of the Valley School in Uxbridge;

John
MacNeish.

Resolutions (filed by Representatives Smola of Palmer and Gobi of Spencer) honoring John MacNeish on the occasion of his retirement;

Lucille M.
McCabe.

Resolutions (filed by Mr. Swan of Springfield) congratulating Mrs. Lucille M. McCabe on the monumental occasion of her one hundredth birthday;

Alexander
Haas.

Resolutions (filed by Mr. Turner of Dennis) congratulating Alexander Haas on receiving the Eagle Award of the Boy Scouts of America;

June
Wenberg.

Resolutions (filed by Representatives Turner of Dennis and Gomes of Harwich) congratulations to June Wenberg on the twenty-fifth anniversary of her contributions to the sight impaired community on Cape Cod; and

Safe
Boating
Week.

Resolutions (filed by Mr. Verga of Gloucester and other members of the House) recognizing National Safe Boating Week;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Turner, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

General
Court,
375th
anniversary.

An Order (filed this day by Mr. DiMasi of Boston) relative to establishing a joint special committee for the purpose of planning for the celebration of the three hundred and seventy-fifth anniversary of the General Court (House, No. 4059) was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Referred, under Rule 33, to the committee on Ways and Means.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Kaufman of Lexington, petition (accompanied by bill, House, No. 4063) of Jay R. Kaufman and others (with the approval of the mayor and city council) relative to establishing a traffic commission in the city of Woburn; and

Woburn,
traffic
commission.

By Mr. Festa of Melrose, petition (accompanied by bill, House, No. 4064) of Richard R. Tisei and another (with the approval of the mayor and city council) relative to health insurance of active and retired employees of the city of Melrose;

Melrose,
health
insurance.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Mr. Nangle of Lowell presented a petition (subject to Joint Rule 12) of David M. Nangle and others relative to health care benefits for utility company employees during work stoppages; and the same was referred, under Rule 24, to the committee on Rules.

Health
care
benefits.

Papers from the Senate.

The Senate Order relative to amending Joint Rule 1 to increase membership on certain joint committees came from the Senate with the endorsement that said branch had concurred with the House in its amendment (adding at the end thereof the following:

Joint
Rule 1,
amend.

“; and be it further

Ordered, that the Joint Rules be amended by striking out Joint Rule 1E and inserting in place thereof the following rule:—

1E. The joint standing committee on Health Care Financing shall review all legislation relating to health care to evaluate the appropriateness and fiscal effect of such legislation. A matter within the jurisdiction of said committee may, if appropriate, initially be referred to another joint standing committee sharing jurisdiction of the subject-matter. Once reported by such joint standing committee, the matter shall be referred to the joint committee on Health Care Financing, and the matter shall thereafter be reported to the branch in which the bill originated.

For all matters initially referred to the joint committee on Health Care Financing and not previously referred to another joint committee, the joint committee on Health Care Financing may make favorable reports to either branch, at the discretion of the committee, except that reports on money bills shall be made to the House.

In compliance with the provisions of section 38A of chapter 3 of the General Laws, the joint committee on Health Care Financing when reporting on bills referred to them shall include therewith a fiscal note prepared in accordance with the provisions of section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal effect of the proposed legislation, if, in the opinion of said committee, such cost or fiscal effect exceeds the sum of one hundred thousand dollars it shall be referred by the Clerk of the branch to the Committee on Ways

Joint
Rule 1,
amend.

and Means prior to debate and reconsideration of the matter by the branch.”) with the following further amendment:

Striking out, at the end thereof, the words “it shall be referred by the Clerk of the branch to the Committee on Ways and Means prior to debate and consideration of the matter by the branch.” and inserting in place thereof the words “; provided, however, that any matter reported by the committee on Health Care Financing with a fiscal effect that does not exceed one hundred thousand dollars shall not be referred, under the rules, to the committee on Ways and Means.”.

Under suspension of Rule 35, on motion of Mr. Kujawski of Webster, the further amendment was considered forthwith; and it was adopted, in concurrence.

Veterans,
registration
plates.

A petition of Scott P. Brown, Edward G. Connolly, Elizabeth Poirier and other members of the General Court that provision be made for an investigation and study by a special commission (including members of the General Court) relative to distinctive registration plate decals, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

The House then concurred with the Senate in the suspension of said rule; and, on motion of Mr. Wagner of Chicopee, the petition (accompanied by bill, Senate, No. 2065) was referred, in non-concurrence, to the committee on Transportation. Sent to the Senate for its action.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Personal
data.

Petition (accompanied by bill, Senate, No. 2058) of Michael W. Morrissey for legislation to require companies that collect personal information to disclose when said data has been compromised. To the committee on Consumer Protection and Professional Licensure.

Waste
oil.

Petition (accompanied by bill, Senate, No. 2059) of Nicholas Casey for legislation to exempt waste oil from hazardous waste classification. To the committee on Environment, Natural Resources and Agriculture.

Insurance
fees.

Petition (accompanied by bill, Senate, No. 2060) of Edward M. Augustus, Jr., and Andrea F. Nuciforo, Jr., for legislation relative to the payment of referral fees to unlicensed employees of insurance producers. To the committee on Financial Services.

Pot holes,
damages.

Petition (accompanied by bill, Senate, No. 2061) of Michael W. Morrissey for legislation to permit persons to bring car damage arising from a pothole against the public entity into small claims court. To the committee on the Judiciary.

Public
employees,
military.

Petition (accompanied by bill, Senate, No. 2062) of Joan M. Menard, Edward G. Connolly, Michael A. Costello, other members of the General Court and SEIU, Local 5000, by David Holway, president, for legislation to further regulate salaries of public employees serving in the Armed Forces of the United States; and

Community
College
Council.

Petition (accompanied by bill, Senate, No. 2063) of Joan M. Menard for legislation relative to creditable service of certain Massachusetts Community College Council employees;

Severally to the committee on Public Service.

Petition of (accompanied by bill, Senate, No. 2066) of Dianne Wilkerson for legislation to expand the legislative oversight of agency regulations. To the committees on Rules of the two branches, acting concurrently.

Regulations,
legislative
oversight.

Petition (accompanied by bill, Senate, No. 2064) of Dianne Wilkerson, Martin J. Walsh and Steven A. Tolman for legislation to make technical corrections to the public construction reform law. To the committee on State Administration and Regulatory Oversight.

Public
construction
reform.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of William C. Galvin relative to the retirement of clerk/magistrates, clerks of court, recorder and registers. Under suspension of the rules, on motion of Mrs. Haddad of Somersett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Clerks
of court,
retirement.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3192) of Thomas P. Kennedy relative to regulating advertisements and solicitations for time-shares,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure; and

Timeshare
advertisements.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1795) of Robert F. Fennell and others relative to the escrowing of withheld rent; and

Rent
escrow.

Of the petition (accompanied by bill, House, No. 1844) of Arthur J. Broadhurst for legislation to provide for the mandatory escrowing of withheld rent to facilitate resolution of summary process cases;

Withheld
rent,
escrowing.

And recommending that the same severally be referred to the committee on Housing.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill for a special law to repeal the 1675 law entitled “Indians prohibited being in Boston” (House, No. 3849) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,
Indians.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Goguen of Fitchburg, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rushing of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Carol G. Davis, sick leave bank.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Carol G. Davis, an employee of the George Fingold Library (Senate, No. 2029, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the Rule 7A, on motion of Mr. Hynes of Marshfield the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Ayers of Quincy, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

West Roxbury, Roche Rink.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing for capital repairs to the Jim Roche Memorial Rink in West Roxbury (Senate, No. 2050) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Honan of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Greenfield, alcoholic beverage license.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Greenfield to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3843) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Honan of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Disability pensions.

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, Nos. 12 and 14, a Bill relative to regional medical panel fees for disability pension review (House, No. 14). Read; and referred, under Joint Rule 1E, to the committee on Healthcare Financing.

Accidental death benefits.

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, Nos. 12, 13 and 353, a Bill to increase the amount of benefit to children who are survivors in the case of an accidental death benefit under the provisions of Chapter 32 (House, No. 13).

By the same member, for the same committee, on a petition, a Bill relative to living organ donation (House, No. 476).

Living organ donation.

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill authorizing the refund of automobile sales tax to Helen Bergman of Wilmington (House, No. 2313).

Helen Bergman, auto sales tax.

By the same member, for the same committee, on House, No. 3823, a Bill providing incentives to the motion picture industry (House, No. 4060).

Motion picture industry.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill relative to the transportation finance commission (House, No. 2116, changed in line 14, by striking out the figures: "15" and inserting in place thereof the figures: "14", and, in line 18, by striking out the words "a representative of AAA Southern New England;").

Transportation finance commission.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on Senate, No. 926 and House, No. 760, a Bill establishing the Massachusetts principal and income act (House, No. 760).

Principal and income act.

By the same member, for the same committee, on a petition, a Bill designating the Attleboro District Courthouse as the James H. Sullivan Courthouse (House, No. 842).

James H. Sullivan courthouse.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the issuance of certain bonds by the town of Dracut (House, No. 3231, changed by inserting after section 3 the following section:

Dracut, bond issuance.

"SECTION 3A. Prior to the issue of any bonds or notes under this act the town of Dracut shall submit to the executive office for administration and finance a plan showing the amount of the bonds and notes to be issued, the amount of the unfunded pension liability to be funded with the proceeds of the bonds and notes, the proposed maturity schedule of the bonds and notes, the proposed allocation of, if any, and plan to finance the principal of and interest on the bonds and notes, the present value savings reasonably expected to be achieved as a result of the issue of the bonds or notes, and any other information requested by the secretary for administration and finance relating to the bonds and notes and no bonds or notes shall be issued hereunder until the secretary has approved the plan and specifically approved the maturity schedule of the bonds or notes if required by section 2 of this act.") [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill further regulating reporting requirements of constables (House, No. 3573).

Constables, reporting requirements.

By the same member, for the same committee, on a petition, a Bill relative to the reporting of revenue for the service of civil process by constables (House, No. 3576).

Civil process, report revenue.

By the same member, for the same committee, on a petition, a Bill relative to compensated absences in cities and towns (House, No. 3584).

Municipalities, reserve funds.

By the same member, for the same committee, on a petition, a Bill to improve municipal borrowing procedures (House, No. 3589).

Municipal borrowing procedures.

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, No. 1001, a Bill authorizing William F. Felton to receive workers' compensation benefits without offset against his retirement allowance (House, No. 4058).

William F. Felton.

Westport
Police
Memorial
Bridge.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain bridge in the town of Westport as the Westport Police Officers Memorial Bridge. (House, No. 1690).

Hyde Park,
Kearney
Bridge.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in Hyde Park as the Joseph M. Kearney Bridge (House, No. 1694).

Hyde Park,
Geraghty
Bridge.

By the same member, for the same committee, on a petition, a Bill designating a certain bridge in Hyde Park as the Thomas J. Geraghty Bridge (House, No. 1695).

Barnstable,
Korean War
Veterans
rest area.

By the same member, for the same committee, on a petition, a Bill designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area (House, No. 1984).

Lopes
Overpass.

By the same member, for the same committee, on a petition, a Bill relative to the designating of a certain overpass in the city of New Bedford (House, No. 3838).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Second
reading
bill.

The House Bill to increase the amount that can be appropriated from the balance of a capital project fund (House, No. 1625) was read a second time; and it was ordered to a third reading.

House
report.

The House report of the committee on Municipalities and Regional Government, ought NOT to pass, on the petition (accompanied by bill, House, No. 1624) of Rosaire Rajotte for legislation to divide the population of the Commonwealth into ten counties, was accepted.

Recess.

Recess.

At twenty minutes before twelve o'clock noon, on motion of Mrs. Harkins of Needham (Mr. Nangle of Lowell being in the Chair), the House recessed until one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Bosley of North Adams in the Chair.

Message from the Governor.

Counterfeit
documents.

A message from His Excellency the Governor recommending legislation relative to counterfeit and fraudulent documents (House, No. 4061) was filed in the office of the Clerk on Wednesday, May 18.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Recess.

Recess.

At nine minutes after two o'clock P.M., Mr. Rushing of Boston took the Chair and declared a recess until twenty minutes after two o'clock; and at two minutes before three o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Paper from the Senate.

The engrossed Bill enhancing regenerative medicine in the Commonwealth (see Senate, No. 2039), which had been returned to the Senate by His Excellency the Governor with recommendation of amendments (for message, see Senate, No. 2052), came from said branch with the endorsement that it had rejected said amendments.

The bill bore the further endorsement that it had been amended in section 1, in section 10 of proposed chapter 111L of the General Laws, striking out subsection (d) and inserting in place thereof the following subsection:

“(d) The joint committee on state administration and regulatory oversight shall have authority to review regulations proposed or adopted pursuant to this chapter. The committee may hold public hearings concerning a proposed or existing regulation and may submit to the department comments concerning the merit and appropriateness of the regulations to be promulgated and an opinion whether the regulations are authorized by, and consistent with, this chapter. The department shall respond in writing within 10 days to the committee’s written questions relevant to the committee’s review of a proposed or existing regulation. The department shall provide to the committee, without charge, copies of all public records in the agency’s custody relating to the regulation or action in question within 10 days of a request by the committee. The committee may issue a report with proposed changes to a proposed or existing regulation and shall transmit this report to the department. If the department does not adopt the proposed changes contained in the committee’s report, the department shall notify the committee in writing of the reasons why it did not adopt the changes either at the time it adopts a proposed regulation or within 21 days of receiving the committee’s report on an existing regulation.”.

Under suspension of the Rule 35, on motion of Mr. Bosley of North Adams, the amendment adopted by the Senate was considered forthwith; and it was adopted, in concurrence.

The amendments recommended by His Excellency the Governor then were considered.

At the request of Mr. Peterson of Grafton, the amendments were divided.

The first amendment recommended by the Governor then was considered as follows:

Striking out section 8.

Pending the question on adoption of the amendment, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

[See Yea and Nay No. 62 in Supplement.]

Therefore a quorum was present.

Stem cell
research.

Quorum.

Quorum,
yea and nay
No. 62.

Amendment
rejected,
yea and nay
No. 63.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 46 members voted in the affirmative and 109 in the negative.

[See Yea and Nay No. 63 in Supplement.]

Therefore the amendment was rejected.

The second amendment recommended by the Governor then was considered as follows:

In section 1, after the first sentence of section 8(b) in chapter 111L, inserting the following sentence: "No person shall knowingly create an embryo by the method of fertilization with the sole intent of using said embryo for research."

Amendment
rejected,
yea and nay
No. 64.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 48 members voted in the affirmative and 107 in the negative.

[See Yea and Nay No. 64 in Supplement.]

Therefore the amendment was rejected.

The third amendment recommended by the Governor then was considered as follows:

In section 1, in the definition of "valuable consideration", in section 2 of chapter 111L, inserting the following sentence: "As applied to consideration to be paid to egg donors, 'valuable consideration' is any interest, profit or benefit of value, except for reimbursement of out-of-pocket expenses actually paid by the donor in connection with the egg donation. Nothing in this definition shall be construed to limit consideration for eggs made available for reproductive purposes."

Amendment
rejected,
yea and nay
No. 65.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 43 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 65 in Supplement.]

Therefore the amendment was rejected.

The fourth amendment recommended by the Governor then was considered as follows:

In section 1, inserting the following section in chapter 111L:

"Section 11. Notwithstanding any general or special law to the contrary, including any provision of this chapter to the contrary, human cloning, by any means, including somatic cell nuclear transfer, is hereby prohibited in the Commonwealth. No person shall knowingly attempt, engage in, or directly or indirectly assist in, human cloning for any purpose. No person shall knowingly purchase, sell, transfer, or otherwise obtain human embryonic, gametic or cadaveric fetal tissue for the purpose of human cloning.

A person who violated the provisions of this section shall be punished by imprisonment in a jail or house of correction for not less than five years nor more than ten years or by imprisonment in the state prison for not more than ten years and by a fine of up to one million dollars. In addition, to such penalty, a person who knowingly violates the provision of this section and derives a financial

profit from such violations shall be ordered to pay all such profits to the commonwealth as damages."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 43 members voted in the affirmative and 112 in the negative.

Amendment
rejected,
yea and nay
No. 66.

[See Yea and Nay No. 66 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Ms. Atkins of Concord was spread upon the records of the House, as follows:

MR. SPEAKER: During the taking of the above yeas and nays, I was present in the House Chamber and attempted to vote in the negative. Nevertheless, the illuminated green light on the roll call board indicated that my vote had been recorded as being in the affirmative. I repeatedly attempted to change the switch on my desk from "yes" to "no" and to get assistance, but was unable to do so prior to the closing of the vote. Had the voting machine been in proper working order, I would have been recorded in the negative.

Statement of
Representative
Atkins of
Concord.

Engrossed Bill.

The engrossed Bill repealing the act of 1675 entitled "Indians prohibited being in Boston" (see House, No. 3849) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Rushing of Boston; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Boston,
Indians.

Bill passed
to be enacted,
yea and nay
No. 67.

[See Yea and Nay No. 67 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Carol G. Davis, an employee of the George Fingold Library (see Senate, No. 2029, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Carol G.
Davis,
sick leave
bank.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 59 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill enhancing regenerative medicine in the Commonwealth (see Senate, No. 2039, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Stem cell
research.

Stem cell
research.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment) was put upon its final passage.

Pending the question on passing the bill to be re-enacted, in its amended form, Mr. Miceli of Wilmington moved suspension of Rule 40; and the motion prevailed.

The same member then moved that the bill be amended in section 1, in subsection (d) of section 10 of proposed chapter 111L of the General Laws, by striking out the first sentence and inserting in place thereof the following two sentences: "The joint committee on state administration and regulatory oversight of the general court, in this subsection called the committee, shall have authority to review regulations proposed or adopted pursuant to this chapter. The committee shall consult with the joint committee on economic development and emerging technologies in performing this review.".

The amendment was adopted. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in the amendment, the bill, having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Bill
re-enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. Peterson of Grafton,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-one minutes after six o'clock P.M., on further motion of the same member (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.